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HIGH COURT OF CHHATTISGARH: BILASPUR

Writ Petition (Cr) No. 20 of 2007

Petitioners

1) Ramkaran Agrawal, aged about 65 years, son of Shri Reechha Ram Agrawal, resident of Ambikapur Road, Patthalgaon, Tah. Patthalgaon, District Jashpur (CG).

2) Smt. Lalita Bai, aged about 34 years, widow of Late Sunil Kumar Agrawal, domestic wife, resident of Ambikapur Road, Pathalgaon, Tahsil Pathalgaon, Distt. Jashpur (CG).

Versus

Respondents

1 State of Chhattisgarh, through Secretary, Department of Home Affairs, Dau Kalyan Singh Bhawan, Raipur (CG).

2 The Director General of Police, Police Head Quarter – Raipur, State of Chhattisgarh.

3 Superintendent of Police, Distt. Jashpur (CG).

4. Station House Officer, Police Station – Patthalgaon, Distt. Jashpur (CG).

(Writ Petition under Article 226 of the Constitution of India.)

SB: Hon'ble Mr. Satish K. Agnihotri, J.

Present: Shri A.N. Bhakta, counsel for the petitioners.
Shri Sumesh Bajaj, Government Advocate for the State.

ORDER

(Passed on 14th November, 2007)

Learned counsel appearing for the petitioners submits that son of the petitioner No.1 and husband of the petitioner No.2 namely Sunil Kumar Agrawal was assaulted on 30-5-2006, which resulted into his death. The petitioners have lodged first information report with the Police Station, but the Police authorities have not taken any steps till date to apprehend the accused persons.

2) On the other hand, learned counsel appearing for the State submits that the petitioners have not mentioned any name in their statement recorded under

Section 161 of the Code of Criminal Procedure. The Police authorities are still investigating the matter and thereafter appropriate action will be taken against the accused persons. There is no reason to disbelieve the State authorities. Even otherwise, if the petitioners have still some grievance, they may take recourse to the provisions of law under the Code of Criminal Procedure, 1973 wherein, it is clearly provided that in the event of failure on the part of the Police authorities, the aggrieved persons may approach the Judicial Magistrate for taking action against the accused persons.

3) In view of the foregoing, this petition is disposed of with the liberty as stated above reserved to the petitioners.

Sd/-
Satish K. Agnihotri
Judge

raju